fee shall be paid only when an application must be executed under oath or affirmation as prescribed by § 51.21(a).

(Sec. 1, 44 Stat. 887; Sec. 1, 41 Stat. 750; Sec. 2, 44 Stat. 887; Sec. 4, 63 Stat. 111, as amended (22 U.S.C. 211a, 214, 217a, 2658); E.O. 11295, 36 FR 10603; 3 CFR 1966–70 Comp. p. 507)

Dated: December 6, 1982.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 82-34091 Filed 12-15-82; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 601

[T.D. 7861]

Income Taxes; Secretarial Authority To Add Items to the List of Items Eligible for the Residential Energy Credit; Treasury Decision and Amendment of Statement of Procedural Rules

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to Secretarial authority to add items to the list of items eligible for the residential energy credit. Changes to the applicable tax law were made by the Energy Tax Act of 1978 and the Crude Oil Windfall Profit Tax Act of 1980. These regulations provide the manufacturer with guidance on the procedure and criteria applicable for addition to the list of energy-conserving components or renewable energy sources.

DATE: The amendments are effective on December 16, 1982.

FOR FURTHER INFORMATION CONTACT: Walter H. Woo of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3297).

SUPPLEMENTARY INFORMATION:

Background

On October 15, 1980, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 44C(c) (6) and (9) of the Internal Revenue Code of 1954 and to the Statement of Procedural Rules (26 CFR Part 601). These amendments were proposed to conform the regulations to section 101 of the Energy Tax Act of 1978 (92 Stat. 3175) and section 201(b) of the Crude Oil Windfall Profit Tax Act of 1980 (94 Stat. 256). A public hearing was held on April 30, 1981. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

The effectiveness of these regulations will be evaluated on the basis of comments and information received from the public, other Government agencies, and offices within the Treasury Department and Internal Revenue Service. Under the regulations, no additional reporting or filing requirements have been imposed on taxpayers.

Explanation of Provisions

The Energy Tax Act of 1978 grants the Secretary of the Treasury the discretion to add additional items to the lists of energy conserving items and renewable energy sources eligible for the residential energy credit. The Secretary is also directed to establish a procedure under which a manufacturer may request the Secretary to consider the addition of an item to a qualifying list. In addition, the Crude Oil Windfall Profit Tax Act of 1980 sets forth criteria the item must satisfy before the Secretary can add that item to the list.

The proposed regulations outlined the procedure to be followed by a manufacturer (or a group of manufacturers) of an item seeking approval for addition of an item to the list of approved energy-conserving components or renewable energy sources. Several comments indicated that the procedure for approval of an item is lengthy and should be streamlined. The procedure proposed has been retained because it approximates the approval process of a regulation which is the means specified by the Code by which an item is to be added to the approved list.

One comment received on the proposed regulations indicated that the procedure outlined should not be the sole means whereby an item may be added to the qualifying list. It was suggested that items under the Residential Conservation Program which have already met Department of Energy's criteria for conservation should qualify automatically. This suggestion was not adopted because the Secretary of the Treasury may not add and an item to the qualifying list unless the Secretary determines that certain statutory criteria have been met. The Department of Energy criteria under the Residential Conservation Program do not correspond to the findings which the Code requires to be made by the Secretary. The procedure provides the means whereby information relevant to the Secretarial determination may be obtained.

The regulations have been revised to allow the applicant a conference where an adverse recommendation or decision is contemplated. However, the applicant is entitled to only one conference.

Several comments indicated that the 1-year time frame for processing an application is too long and should be shortened. The 1-year time period is prescribed by statute. That period is the maximum time allowed for decisionmaking. It does not mean that applications will necessarily require a year of review. The entire process may in fact take less than a year in many cases.

In response to a comment, the term "manufacturer" has been clarified to include a person who assembles an item or a system from components manufactured by other persons.

The proposed regulations also specified the information that is to be included in an application for addition to the list of approved energy-conserving components or renewable energy sources. Several comments suggested deleting the requirement to submit information pertaining to projected industry sales of the item in question and information on industry-wide capacity to manufacture the item. This suggestion was not adopted because the industry-wide data requested in the regulations is necessary for evaluating whether the standards for Secretarial determination prescribed in the statute relating to total energy savings are met.

However in response to a comment, the requirement in the proposed regulations that the applicant provide the locations of manufacturing sites of major manufacturers of the item has been deleted.

One comment suggested that the requirement in the regulations for the applicant to state the composition and weight of components of the item be deleted. This suggestion was not adopted because the information requested is necessary to determine the amount of oil and natural gas used in the manufacture of the item. The amount of oil and natural gas so used is a factor required by statute to be taken into account for purposes of determining whether the addition of the item will reduce oil and natural gas consumption. However, the regulations have been revised to provide that only information with respect to major components of the item must be provided.

Several comments suggested that certification by independent laboratories or a professional engineer should be sufficient to establish that the item offers no safety or fire hazard. Although certification of an item's safety by an independent third party may be submitted as evidence of the item's safety and may be given great weight, the statute requires the Secretary to make that determination. Thus, the underlying data upon which the certification is based must also be provided.

Several comments objected to the criterion which precludes wood and agricultural energy sources from qualifying as renewable energy sources. Since wood and agricultural materials are in themselves exhaustible sources of energy, the regulations have not been revised to allow such items to qualify as renewable energy sources.

Special Analyses

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. Because the notice of proposed rulemaking relating to this final rule was published prior to January 1, 1981, the provisions of the Regulatory Flexibility Act do not apply to this final rule.

Drafting Information

The principal author of this regulation is Walter H. Woo of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects

26 CFR Part 1.0–1—1.58–8

Income taxes, Tax liability, Tax rates, Credits.

26 CFR Part 601

Administrative practice and procedure, Aged, Alcohol and alcoholic beverages, Arms and munitions, Cigars and cigarettes, Claims, Freedom of information, Taxes.

Adoption of Amendments to the Regulations

Accordingly, the amendments to 26 CFR Parts 1 and 601, published as a notice of proposed rulemaking in the **Federal Register** for October 15, 1980 (45 FR 68399), are hereby adopted as proposed, except that section 1.44C–6, as set forth in paragraph 1 of the notice, is amended by revising paragraphs (a) and (b) as set forth below.

Because this Treasury decision merely prescribes a procedure whereby the residential energy credit may be made available to taxpayers not entitled to it under existing regulations, it is found unnecessary to issue it subject to the effective date limitation of subsection (d) of section 553 of Title 5 of the United States Code.

(This Treasury decision is issued under the authority contained in sections 44C and 7805 of the Internal Revenue Code of 1954 (92 Stat. 3175, 26 U.S.C. 44C; 68A Stat. 917, 26 U.S.C. 7805). The amendments to the Statement of Procedural Rules are issued under the authority contained in 5 U.S.C. 301 and 552)

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Treasury decision approved: April 20, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

Amendments to the regulations

The amendments to the Income Tax Regulations (26 CFR Part 1) and the Statement of Procedural Rules (26 CFR Part 601) are as follows:

PART 1—[AMENDED]

1. **Paragraph 1.** The text of § 1.44C–6 is added to read as follows:

§ 1.44C–6 Procedure and criteria for additions to the approved list of energy-conserving components or renewable energy sources.

(a) *Procedures for additions to the list of energy-conserving components or renewable energy sources*—(1) *In general.* A manufacturer of an item (or a group of manufacturers) desiring to apply for addition to the approved list of energy-conserving components or renewable energy sources pursuant to paragraph (d)(4)(viii) or (e)(2) of § 1.44C–2 shall submit an application to the Internal Revenue Service, Attention: Associate Chief Counsel (Technical), CC:C:E, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. The term "manufacturer" includes a person who assembles an item or a system from components manufactured by other persons. The application shall provide the information required under paragraph (b) of this section. An application may request that more than one item be added to the approved list. It will be the responsibility of the Office of the Associate Chief Counsel (Technical) upon receipt of the application to determine whether all the information required under paragraph (b) of this section has been furnished with the application. If an application lacks essential information, the applicant will be advised of the additional information required. If the information (or a reasonable explanation of the reason why the information cannot be made available) is not forthcoming within 30 days of the date of that advice, the application will be closed and the applicant will be so informed. Any resubmission of information beyond the 30-day period will be treated as a new application. If the Office of the Associate Chief Counsel (Technical) already is considering an application with respect to the same or a similar item, it may consolidate applications. The Office of the Associate Chief Counsel will make a report and recommendation to the ad hoc advisory board as to whether each item that is the subject to an application should be added in accordance with the manufacturer's request to the approved list of energy-conserving components or renewable energy sources in light of the applicable criteria provided in paragraph (c) and the standards for Secretarial determination provided in paragraph (d) of this section. In making this recommendation, the Office of the Associate Chief Counsel shall consult with the Secretary of Energy and the Secretary of Housing and Urban Development (or their delegates) and any other appropriate Federal officers to obtain their views concerning the item in question. In addition, the Office of the Associate Chief Counsel may request from the manufacturer clarification of information submitted with the application. The Office of the Associate Chief Counsel shall report its recommendation and forward the application to the ad hoc advisory board for further consideration.

(2) *Ad hoc advisory board.* The Commissioner of Internal Revenue and the Assistant Secretary (Tax Policy) shall establish an ad hoc advisory board to consider applications and recommendations forwarded by the Office of the Associate Chief Counsel (Technical). If a finding in favor of addition of any item is made, the board shall report its recommendation and forward the application to the Commissioner for further consideration. If the item is approved by the Commissioner, the application will be forwarded to the Secretary (or his delegate) for further consideration. The application will be closed with respect to an item if the board, the Commissioner, or the Secretary (or his delegate) determines that, under the applicable criteria or the standards for Secretarial determination, the item should not be added to the list of energy-conserving components or renewable energy sources.

(3) *Action on application.* (i) A final decision to grant or deny any application filed under paragraph (a)(1) shall be made within 1 year after the application and all information required to be filed with such request under paragraph (b) have been received by the Office of the Associate Chief Counsel (Technical). The applicant manufacturer shall be notified in writing of the final decision. In the event of a favorable determination, a regulation will be issued in accordance with the procedures contained in § 601.601 to include the item as an energy-conserving component or as a renewable energy source. A final decision to grant approval of an application is made when a Treasury decision adding the item (that is subject of the application) as an energy-conserving component or as a renewable energy source is published in the Federal Register.

(ii) The applicant manufacturer shall be entitled to a conference and be so notified anytime an adverse action is contemplated by the Office of the Associate Chief Counsel, the ad hoc advisory board, the Commissioner of Internal Revenue, or the Secretary (or his delegate) and no conference was previously conducted. Upon being advised in writing that an adverse recommendation or decision as to any item is the subject of an application is contemplated, a manufacturer may request a conference. The conference must be held within 21 calendar days from the mailing of that advice. Procedures for requesting an extension of the 21-day period and notifying the manufacturer of the recommendation or decision with respect to that request are the same as those applicable to conferences on ruling requests by taxpayers. The applicant is entitled to only one conference. There is no right to another conference when a favorable recommendation or decision is reversed at a higher level.

(iii) A report of any application which has been denied during the preceding month and the reasons for the denial shall be published each month.

(b) *Contents of application.* The application by the manufacturer shall include the following information:

(1) A description of the item and the generic class to which it belongs, including any features relating to safe installation and use of the item. This discription shall include appropriate design drawings and technical specifications (or representative drawings and specifications when application by a group of manufacturers).

(2) An explanation of the purpose, function, and each recommended use of the item.

(3) An estimate (and explanation of the estimation methods employed and the assumptions made) of the total number of units that would be sold for each recommended use during the first 4 years following the addition of the item to the approved list and of the total number that would be sold for each recommended use during that period in the absence of addition. If the item is sold in more than one size, the estimate shall indicate the projected sales for each size. This estimate shall reflect total industry sales of the item. Past industry sales information for each recommended use for the previous two years shall also be provided.

(4) Whether sufficient capacity is available to increase production to meet any increase in demand for the item, or for associated fuels and materials, caused by such addition. This determination shall be based on industry-wide data and not just the manufacturing capability of the applicant. If the applicant has the exclusive right to manufacture the item, this information shall also be provided in the application.

(5) An estimate (including estimation methods and assumptions) of the energy in Btu's of oil and natural gas used directly or indirectly per unit by the applicant in the manufacture of the item and other items necessary for its use, the type of energy source (*e.g.*, oil, natural gas, coal, electricity), and the extent of its use in the manufacturing process of the item. The applicant must also provide a list of the major components of the item and their composition and weight.

(6) Test data and experience data (where experience data is available) to substantiate for each recommended use the energy savings in Btu's that are claimed will be achieved by one unit during a period of one year. The data shall be obtained by controlled tests in which, if possible, the addition of the item is the only variable. If the item may be sold in various configurations, data shall be provided with respect to energy savings from each configuration with significantly different energy use characteristics. Test methods are to conform to recognized industry or government standards. This determination shall take into account the seasonal use of the item. If the energy savings of the item varies with climatic conditions, data shall be provided with respect to each climate zone. The applicant may use the Department of Energy's climate zones for heating and cooling (see § 450.35 of 10 CFR Part 450 (1980)).

(7) The impact of increased demand on the price of the item and the energy source used by the item.

(8) The energy source which will be replaced or conserved by the item, and, in the case of a request for addition to the approved list of renewable energy sources, data establishing that the energy source is inexhaustible.

(9) Data to show the total estimated savings of energy in Btu's attributable to reduced consumption of oil or natural gas whether directly or indirectly from use of the item, including assumptions underlying this estimate. If the consumption of both oil and natural gas will be reduced, data to show the energy savings in Btu's attributable to each shall be provided. The estimate is to be based on energy savings in Btu's per unit determined under paragraph (b)(6) of this section for the first four years of the useful life of the item and is to take into account only the additional units of the item estimated to be placed in service as a result of the addition using data obtained under paragraph (b)(3) of this section. If the item will result in reduction of oil or natural gas consumption by replacing an item which uses such an energy source, the application shall indicate the item replaced and the extent to which this reduction will occur.

(10) Geographical information if required under paragraph (b)(6) of this section to show the climatic zones of the country where the item is expected to be used, including an estimate of the total number of additional units to be placed in service during the first 4 years following the addition of the item in the area as a result of the addition of the item to the list of qualifying items.

(11) The retail cost of the item (or items if the item is sold in more than one size) including all installation costs necessary for safe and effective use.

(12) Whether the item is designed for residential use.

(13) The estimated useful life of the item and associated equipment necessary for its use.

(14) The type and amount of waste and emissions in weight per unit of energy saved resulting from use of the item.

(15) If the item might reasonably be suspected of presenting any health or safety hazard, test data to show that the item does not present such hazard.

With respect to applications for addition to the approved list of renewable energy sources, the term "item" as used in this paragraph refers to the property which uses the energy source and not the

energy source itself. The application should clearly indicate whether the request is for addition to the approved list of energy-conserving components or renewable energy sources, identify the provisions for which data is being submitted, and present the data in the order requested. The tests required under this paragraph may be conducted by independent laboratories but the underlying data must be submitted along with the test results. There shall accompany the request a declaration in the following form: "Under penalties of perjury, I declare that I have examined this application, including accompanying documents, and, to the best of my knowledge and belief, the facts presented in support of the application are true, correct and complete." The statement must be signed by the person or persons making the application. The declaration shall not be made by the taxpayer's representative.

(c) *Criteria for additions.*—(1) *Additions to the approved list of energy-conserving components.* For an item to be considered for addition to the approved list of energy-conserving components, the manufacturer must show that the item increases the energy efficiency of a dwelling. For an item to be considered as increasing the energy efficiency of a dwelling, all of the following criteria must be met:

(i) The use of the item must improve the energy efficiency of the dwelling structure, structural components of the dwelling, hot water heating, or heating or cooling systems.

(ii) The use of the item must result, directly or indirectly, in a significant reduction in the consumption of oil or natural gas.

(iii) The increase in energy efficiency must be established by test data and in accordance with accepted testing standards.

(iv) The item must not present a safety, fire, environmental, or health hazard when properly installed.

(2) *Additions to the approved list of renewable energy sources.* For an energy source to be considered for addition to the approved list of renewable energy sources, the manufacturer must show that the following criteria are met:

(i) As in the case of solar, wind, and geothermal energy, the energy source must be an inexhaustible energy supply. Accordingly, wood and agricultural products and by-products are not considered renewable energy sources. Similarly, no exhaustible or depletable energy source (such as sources that are depletable under 611) will be considered.

(ii) The energy source must be capable of being used for heating or cooling a residential dwelling or providing hot water or electricity for use in such a dwelling.

(iii) A practical working device, machine, or mechanism, etc., must exist and be commercially available to use such renewable energy source.

(iv) The use of the renewable energy source must not present a significant safety, fire, environmental, or health hazard.

(d) *Standards for Secretarial determination*—(1) *In general.* The Secretary will not make any addition to the approved list of energy-conserving components or renewable energy sources unless the Secretary determines that—

(i) There will be a reduction in the total consumption of oil or natural gas as a result of the addition, and that reduction is sufficient to justify any resulting decrease in Federal revenues.

(ii) The addition will not result in an increased use of any item which is known to be, or reasonably suspected to be, environmentally hazardous or a threat to public health or safety, and

(iii) Available Federal subsidies do not make the addition unnecessary or inappropriate (in the light of the most advantageous allocation of economic resources).

(2) *Factors taken into account.* In making any determination under paragraph (d)(1)(i), the Secretary will—

(i) Make an estimate of the amount by which the addition will reduce oil and natural gas consumption, and

(ii) Determine whether the addition compares favorably, on the basis of the reduction in oil and natural gas consumption per dollar of cost to the Federal Government (including revenue loss), with other Federal programs in existence or being proposed.

(3) *Factors taken into account in making estimates.* In making any estimate under subparagraph (2)(i), the Secretary will take into account (among other factors)—

(i) The extent to which the use of any item will be increased as a result of the addition,

(ii) Whether sufficient capacity is available to increase production to meet any increase in demand for the item or associated fuels and materials caused by the addition,

(iii) The amount of oil and natural gas used directly or indirectly in the manufacture of the item and other items necessary for its use,

(iv) The estimated useful life of the item, and

(v) The extent additional use of the item leads, directly or indirectly, to the reduced use of oil or natural gas. Indirect uses of oil or natural gas include use of electricity derived from oil or natural gas.

(e) *Effective date of addition to approved lists.* In the case of additions to the approved list of energy-conserving components or renewable energy sources, the credit allowable by § 1.44C–1 shall apply with respect to expenditures which are made on or after the date a Treasury decision amending the regulations pursuant to the application is published in the **Federal Register.** However, the Secretary may prescribe by regulations that expenditures for additions made on or after the date referred to in the preceding sentence and before the close of the taxable year in which such date occurs shall be taken into account in the following taxable year. Additions to the list will be subject to the performance and quality standards (if any) provided under § 1.44C–4 which are in effect at the time of the addition. Furthermore, any addition made to the approved list will be subject to reevaluation by the Secretary for the purpose of determining whether the item still meets the requisite criteria and standards for addition to the list. If it is determined by the Secretary that an item no longer meets the requisite criteria, the Secretary will amend the regulations to delete the item from the approved list. Removal of an item from the list will be prospective from the date a Treasury decision amending the regulations is published in the **Federal Register.**

PART 601—[AMENDED]

Par. 2. Paragraph (c) of § 601.601 is amended by adding a new sentence at the end thereof to read as follows:

§ 601.601 Rules and regulations.

* * * * *

(c) *Petition to change rules.* * * * However, in the case of petitions to amend the regulations pursuant to section 44C(c)(4)(A)(viii) or (5)(A)(i), follow the procedure outlined in paragraph (a) of § 1.44C–6.

* * * * *

[FR Doc. 82–34056 Filed 12–15–82; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission has adopted as a final rule its proposed amendments to 28 CFR 2.21 concerning the reparole guidelines used in rating administrative violations (violations not involving new criminal conduct). The rule change will consolidate the two current ranges (<6 months; 6–9 months) into a combined range (<=9 months). This amendment resolves an inconsistency and provides guidance for the exercise of discretion.

EFFECTIVE DATE: January 31, 1983.

FOR FURTHER INFORMATION CONTACT: Peter B. Hoffman, Research Director, U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, telephone (301) 492–5980.

SUPPLEMENTARY INFORMATION: On August 23, 1982, the Commission published at 47 FR 36657 a proposal to amend its reparole guidelines to remove an inconsistency in 28 CFR 2.21(a) between example (c) for "positive supervision history" and example (c) in "negative supervision history." The Commission found that a violation which is the "first instance" of violation but is "persistent" (e.g., absconding) might arguably be classified in either the positive or negative supervision category. Furthermore, the current classification contains the undefined term "serious" in relation to drug/alcohol violations. Since the effective difference in the ranges is small and the examples in the current rule are not meant as exhaustive of the relevant factors to be considered, the Commission is combining the ranges to resolve this inconsistency while still providing guidance for the exercise of discretion. The Commission's preference for dealing with minor or isolated administrative violations by sanctions short of revocation (e.g., reprimand, increasing supervision level, amending the conditions of parole) remains unchanged.

No public comment was received on the proposal. The only modification of the proposal in the final rule is an editorial change substituting disorderly conduct for vagrancy as an example of a minor offense.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners—probation and parole.

PART 2—[AMENDED]

Accordingly, pursuant to 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR 2.21 is amended by revising paragraphs (a) and (c) as follows:

§ 2.21 Reparole consideration guidelines.

(a) If revocation is based upon administrative violation(s) only (i.e., violations other than new criminal conduct) the customary time to be served before release shall be <=9 months. Minor offenses (e.g., disorderly conduct, traffic infractions, public intoxication) shall be treated under administrative violations.

* * * * *

(c) The above are merely guidelines. A decision outside these guidelines (either above or below) may be made when circumstances warrant. For example, violations of an assaultive nature or by a person with a history of repeated parole failure may warrant a decision above the guidelines.

Note.—I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: November 29, 1982.

Benjamin F. Baer,

Chairman, United States Parole Commission.

[FR Doc. 82-33860 Filed 12-15-82; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting, and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Confirmation of interim rule as final rule.

SUMMARY: The U.S. Parole Commission is confirming as a final rule its interim rule, 28 CFR section 2.30, False Information or New Criminal Conduct; Discovery After Release, published on August 23, 1982 at 47 FR 36635. This rule expands the scope of the rule governing the circumstances under which the Commission may rescind a parole grant after a prisoner has been released. The former rule permitted the Commission to cancel a parole grant and recommit a prisoner without finding a violation of parole only if the prisoner was found to have concealed or misrepresented information. The new rule also permits the Commission to rescind the parole grant if it discovers, following the release of a prisoner, that the prisoner had committed a crime or crimes during his sentence, and prior to his release, of which the Commission was unaware when release was granted. The new rule is intended to avoid certain Fifth Amendment problems and to protect the public.

The only comment received from the public on the interim rule was from the Washington Legal Foundation which strongly endorsed the new rule because it "* * * would prevent any possible Constitutional difficulties from arising while allowing the Commission to protect the public by revoking the criminal's parole."

EFFECTIVE DATE: January 17, 1983.

FOR FURTHER INFORMATION CONTACT: Toby D. Slawsky, Office of General Counsel, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, telephone (301) 492–5959.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners—probation and parole.

Accordingly, pursuant to 18 U.S.C. sections 4203(a)(1) and 4204(a)(6), Title 28 CFR 2.30 published as an interim rule at 47 FR 36635 is made a final rule.

Note.—I certify that this rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Dated: November 29, 1982.

Benjamin F. Baer,

Chairman, United States Parole Commission.

[FR Doc. 82-33879 Filed 12-15-82; 8:45 am]

BILLING CODE 4410-01-M

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28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The Commission has adopted a number of substantive revisions to its Paroling Policy Guidelines, 28 CFR 2.20. These include revisions to its offense severity classification system, and the subdivision and establishment of time ranges for what formerly was the Greatest II offense classification. These revisions are being made to make the offense severity class system more comprehensive, clearer, better organized and also to reflect changes in the Commission policy.

EFFECTIVE DATE: January 31, 1983 (see Implementation section).